

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA      )  
                                      )  
                                      )  
vs.                                ) 04-30055-MAP  
                                      )  
KACEY JONES                     )  
                                      )

**MOTION TO HAVE DEFENDANT HELD LOCALLY FOR CASE PREPARATION  
AND MENTAL HEALTH EVALUATION**

Now comes the defendant and respectfully requests this Honorable Court order the defendant be held at a local House of Correction in order to facilitate his being examined for competency issues and prepare for his trial.

Presently the defendant is housed in Shirley, MA in a State Prison facility (Souza Baranowski Maximum Security).

The defendant specifically states he is serving a state prison sentence while also awaiting trial in the Federal Court. However, recently issues have come up regarding the competency of the defendant and he must be evaluated and perhaps tested regarding this issue before the Federal trial. The doctor who will be conducting these evaluations for the defendant is employed in the Springfield area and will be able to do the evaluations and testing after normal work hours and/or on weekends. The doctor will have little opportunity to visit or make repeat visits to the defendant where he is presently housed in the State prison. In addition, trial preparation with the defendant is significantly impaired by his being housed in the State prison. The defendant has very little use of the phones and has no funds for postage to correspond with counsel. Counsel has actually sent the defendant stamps which were confiscated by the State prison as contraband. In addition, certain evidence on CD's were withheld from the defendant at the State prison and he was only allowed to review this evidence after an order from the Federal Court

Counsel has spoken with the U.S. Marshal's Office who indicate such a transfer may present some administrative problems but it is likely it could be accomplished.

THE DEFENDANT

BY: /s/ Mark G. Mastroianni  
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CERTIFICATE OF SERVICE

I, Mark G. Mastroianni, Esq., do hereby certify that I have served a copy of the foregoing via CM/ECF to the Assistant United States Attorney, Paul Smyth, United States District Court, 1550 Main Street, Springfield, Ma. 01103 this 13<sup>th</sup> day of January 2006.

/s/ Mark G. Mastroianni